



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENTS OF LABOR
DIVISION OF OCCUPATIONAL SAFETY
www.mass.gov/dos

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NOTICE

TO ALL EMPLOYMENT AGENCIES AND STAFFING AGENCIES

NEW RESTRICTIONS ON TRANSPORTATION EXPENSES THAT MAY BE CHARGED TO TEMPORARY WORKERS

On February 13, 2002, Governor Jane Swift signed into law a bill that limits the amount of transportation expenses that employment agencies and staffing agencies* may charge to temporary and part time workers. This new law takes effect on May 14, 2002, and restricts transportation charges as follows:

- If your agency offers transportation services that temporary and part-time workers may utilize, your agency and the work site employer** are prohibited from charging more than the actual cost of each employee's transportation or 3% of the employee's daily wages, whichever is less. Also, the transportation fee shall not reduce the employee's total daily wages below the minimum wage earned for the day. Agencies must acquire express written authorization from the employee, in a language that the employee can understand, before deducting any transportation costs from wages.
- If your agency or the work site employer requires temporary and part time workers to use its transportation services, no fee may be charged.

The Massachusetts Division of Occupational Safety ("DOS"), which already licenses employment agencies and staffing agencies, will be checking for compliance with the provisions of this law during routine inspections. All evidence of non-compliance gathered and every complaint received will be reported to the Attorney General's office, the agency responsible for enforcement of this new law and other wage-related areas.

Violators of this law are subject to penalties of up to \$25,000 in fines or a year in prison for a first offense. Subsequent offenses may result in fines of up to \$50,000 or two years in prison. See M.G.L. ch. 149, sec. 27C. A copy of this new law, which amends several existing statutes and creates a new section at M.G.L. ch. 149, section 159C, can be viewed on the DOS website at: www.mass.gov/dos/ea

If you have any questions regarding this matter, please do not hesitate to contact the Employment Agency staff at (617) 727-3696.

* Staffing Agency is defined as "an individual, company, corporation or partnership that procures or provides temporary or parttime employment to a person who then works under the supervision or direction of a work site employer."

** Work Site Employer is defined as "an individual, company, corporation or partnership with which a staffing agency contracts or otherwise agrees to furnish persons for temporary or part-time employment."